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C O N F I D E N T I A L SECTION 01 OF 02 SARAJEVO 002277

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DEPARTMENT FOR EUR (DICARLO), EUR/SCE(FOOKS/STINCHCOMB)  
NSC FOR BRAUN  
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TAGS: [PGOV](#) [PREL](#) [PINR](#) [BK](#)

SUBJECT: BOSNIA- RS LEADERSHIP QUESTIONS HIGH REP'S LEGAL  
EXPLANATIONS

Classified By: Ambassador Charles English for reasons 1.4 (b) and (d)

¶1. (C) Summary. On October 25, Bosnian Serb Member of the Tri-Presidency Nebojsa Radmanovic told the Ambassador that the RS leadership still had reservations about the constitutionality of the recent High Representative measures to facilitate decision-making in state-level institutions. Radmanovic said that "RS legal experts" had reviewed the High Representative's legal explanation of the measures and concluded that they were still inconsistent with the Dayton Accords. Radmanovic professed his willingness to work constructively with the Ambassador to find a way out of the crisis before the Republika Srpska National Assembly (RSNA) meets on October 29. The Ambassador suggested that he work to find a way to accept OHR's explanation. In a separate conversation, Prime Minister Nikola Spiric told the Ambassador that he had no role to play in provoking the crisis, and doubted that he could be of assistance in finding a solution. The Ambassador also spoke with RSNA Speaker and Acting RS President Igor Radojicic who asked that OHR amend the decisions to address concerns about outvoting. The Ambassador informed Radojicic that amending the decisions was a bad precedent and not an option, and requested his assistance in backing the RS away from a confrontation with the United States and the international community. End Summary.

RADMANOVIC: OHR EXPLANATIONS NOT GOOD ENOUGH  
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¶2. (C) The Ambassador called President Radmanovic October 25 to tell him that the situation in Bosnia remained critical, and RS PM Milorad Dodik needed to step back from a confrontation with the United States and the international community. The Ambassador reminded Radmanovic that the President had told him the day prior that the legal explanations "provided Dodik the opportunity to end the conflict," and told him that the OHR analysis clearly demonstrated that the measures "pose no threat to the interests of the RS." The Ambassador also urged Radmanovic to use his influence to call off the October 29 extraordinary RSNA session before it passed decisions that further escalated the political crisis.

¶3. (C) Radmanovic told the Ambassador that "no one is happy" with the High Representative's legal explanations. A team of RS "legal and technical experts" determined that the

explanations do not address the RS concerns that the measures violated the Dayton Accords, Radmanovic explained. Radmanovic said he was personally disappointed by this development, and recognized that the looming confrontation with the international community was not in the "interests of BiH or its people." As for the RSNA session, Radmanovic said it would be legally and mechanically difficult to cancel the October 29 session, but suggested that the tone of the debate and its conclusions could be mitigated. In closing, Radmanovic again said that he was "hopeful that this will end positively" and pledged to continue discussions with the Ambassador to attempt to end the crisis. The Ambassador urged him to find a way to accept the OHR explanation.

SPIRIC: "HURT" AND IGNORED  
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14. (C) The Ambassador raised the same points with Chairman of the Council of Ministers and Prime Minister Nikola Spiric, who had just returned from an official visit to the United States. Spiric told the Ambassador that he had had no role in provoking the crisis, and that he was "hurt by all sides" for failing to consult him on the matter. Considering the level of tension, Spiric told the Ambassador that he wished he had not returned to Bosnia. Spiric said he recognized the seriousness of the crisis and that the international community was determined to see the decisions implemented. Considering his limited role in the confrontation to date, Spiric suggested that his "greatest assistance would be to get out of the way." The Ambassador reminded Spiric that his position as Prime Minister made him central to the debate, and that he needed to actively seek a way out of the crisis. Spiric agreed to be responsible in all of his public statements.

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RADOJICIC: AMEND MEASURES TO CALM SERB FEARS  
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15. (C) The Ambassador also spoke by phone with RSNA Speaker and Acting RS President Igor Radojicic. Radojicic, who is currently in Germany, told the Ambassador that he had not seen the OHR legal explanations, but said he did not believe that they would be enough to satisfy RS officials. Radojicic said that while he supported the intent of the measures, "legal holes" in the decisions existed that stoked the fears of RS leaders and citizens. Radojicic claimed that while there was no concern in the short-term, the new measures left open the possibility that in the future a "crazy nationalist" could exploit them to detriment of RS interests. Radojicic was not precise as to what were the problems with the measures, but claimed that adequate protections did not exist to prevent outvoting and "pure majority rule."

16. (C) Radojicic suggested that the High Representative amend the measures to take account of these "concerns and fears" and expressly provide assurances that RS interests would be protected. The Ambassador told Radojicic that amending the measures would be "precedent setting in the extreme" and that such an approach would be unacceptable. Radojicic again made an appeal for "a joint approach to fix the holes," and said that he hoped the United States and other foreign representatives would constructively engage with RS leaders before the RSNA session to diffuse the crisis. Radojicic pledged that the RS leaders "would not give any radical messages in the near-term" while working for a way out of the confrontation.

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